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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,661	02/26/2004	Christopher W. Blackburn	1842.021US1	3601
70648	7590	06/15/2007	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/WMS GAMING P.O. BOX 2938 MINNEAPOLIS, MN 55402			DEODHAR, OKMAR A	
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/788,661	BLACKBURN ET AL.	
Examiner	Art Unit		
Omkar A. Deodhar	3714		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 29 May 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-36 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-36 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 26 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/29/2005.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

**Non-Final Rejection**

***Information Disclosure Statement***

A signed copy of Applicant submitted IDS form 1449 (7/29/2005) is provided with this Office Action.

***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 13-17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13-17 of copending Application No. 10/788,902 in view of Gatto (US 6,916,247). Sets of claims differ only with respect to the type of service. However, Gatto discloses that any type of web service may be used (Col.15. Lines 54-56.) Therefore, substituting gaming update services with gaming management services is obvious.

This is a provisional obviousness-type double patenting rejection.

***Specification***

The disclosure is objected to because of the following informalities: Page 1 of the Specification, the "Cross-reference to Related Applications," please provide the serial no. of the Patent Application (line 8). Appropriate correction is required.

***Claim Objections***

With respect to claim 1, line 10, the verbiage "registering by the gaming machine..." is unclear. Examiner suggests the claim should be amended to recite, "registering the gaming machine..."

With respect to claims 4 and 28, the verbiage, "issuing by the gaming management service..." is unclear. Examiner suggests the claim should be amended to recite "wherein the gaming management service issues a configuration update to the gaming machine..." Alternatively, please consider the verbiage recited in claim 16.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Gatto (US 6,916,247).

**Independent claims 1, 13 and 25:**

**With respect to claim 1**, Gatto discloses features as presented below.

A method for providing a gaming service in a gaming network (Col. 15. Lines 20-30), the method comprising:

Publishing the availability of the service on the gaming network (Figure 19: "Broadcast Availability" & Col. 13. Lines 64-67) utilizing a discovery agent, (Col. 15. Lines 49-56.)

Receiving by the discovery agent a request for the location of the service from a gaming machine coupled to the network (Figures 19 & 20), where examiner respectfully notes that the steps "Broadcast Availability," "Bind to Device" and "Communication" clearly disclose this limitation.

Registering the gaming machine with the service, (Fig. 20 & Col. 14. Lines 9-32), where it is noted that the server (112) registers (or subscribes) with specialized devices (gaming machines). Thus, the gaming machine is registered with a service.

Processing service requests between the gaming machine and the service, (Figure 19; Col. 15. Lines 45-49; Col. 15. Lines 57-60; Col. 16. Lines 7-11; Col. 18. Lines 4-6.)

Additionally, the examiner notes the following with respect to the claim limitation of specifically, "a gaming management service" – A reasonable interpretation of a "management service" extends to any service that monitors and controls aspects of networked devices. Thus, Gatto is directed towards a method for providing a gaming management service in a gaming network, as claimed.

**With respect to claim 13,** Gatto discloses a gaming network system providing a service (col. 15, lines 20-30), the gaming network system comprising: a service communicably coupled to a gaming network (Fig. 19 & col. 13, lines 64-67); a discovery agent communicably coupled to the gaming network (Fig. 19; col. 15, lines 49-56; col. 15, lines 63-67; col. 16, lines 14-19); and at least one gaming machine communicably coupled to the gaming network (Fig. 1 & col. 5, lines 29-32); wherein the service is operable to: publish the availability of the service to the discovery agent (Fig. 19; col. 13, lines 64-67; col. 15, lines 54-56); receive registration requests from the at least one gaming machine (Fig. 20); and process service requests between the gaming machine and the service (Fig. 19; col. 15, lines 45-49; Col. 15, lines 57-60; col. 16, lines 7-11; col. 18, lines 4-6). Regarding the specific limitation of a, "a gaming management service," please refer to the rejection of claim 1, above.

**With respect to claim 25,** Gatto discloses a computer-readable medium having computer executable instructions (col. 17. lines 15-18) for performing a method for providing a service in a gaming network (col. 15. lines 20-30), the method comprising: publishing the availability of the service on the gaming network with a discovery agent (Fig. 19; col. 13. lines 64-67; Col. 15. Lines 49-56); receiving by the discovery agent a request to register with the service from a gaming machine (Figures 19 & 20); and processing one or more service requests between the gaming machine and the service (Fig. 19; col. 15, lines 45-49; col. 15, lines 57-60; col. 16, lines 7-11; col. 18, lines 4-6). Regarding the specific limitation of a, "a gaming management service," please refer to the rejection of claim 1, above.

**Dependent claims 2-12, 14-24 and 26-36:**

**With respect to claims 2, 14 and 26,** Gatto discloses that the game management service is a web service, (Col. 15. Lines 49-56.)

**With respect to claims 3-5, 15-17 and 27-29,** Gatto discloses that peripheral devices (gaming machines or video/entertainment/game engines located in the gaming machine) issue service requests (Col. 16. Lines 1-42.) Please note that a plurality of different service types is encompassed by the disclosure of Gatto. Configuration type updates include, for example, the "immediate code upgrade," (Col. 16. Line 50.) Additionally, the featuring of downloading configurations is inherent with respect to networked devices. This disclosure combined with the discussion of service requests, as presented with respect to claim 1, fully disclose the claimed limitations.

**With respect to claims 6, 18, 30,** Gatto discloses that service requestors discover available services and bind to the service providers accordingly, (Col. 15. Lines 57-67.) Additionally, Gatto discloses that peripheral devices (gaming machines) are service requestors, (Col. 16. Lines 5-10.) The process of discovering all available services and subsequently binding to service providers clearly involves status queries.

**With respect to claims 7-8, 19-20 and 31-32,** Gatto discloses that devices are configured to offer direct asynchronous notification of events to a central server over the communication network, (Col. 2. Lines 37-45 & Figure 20.) Additionally, Gatto discloses that the server may subscribe with the specialized devices (gaming machine) for the list of events that are of interest (interpreted as events matching certain criteria), (Col. 14. Lines 8-32.) Please also note the discussion of "callback," (Col. 14. Lines 8-32.)

**With respect to claims 9-11, 21-23 and 33-35**, please refer to the rejection of claims 1-7, above. Please also note that the claimed limitations of a configuration query (claim 9), status query, (claim 10), and device status, (claim 11) are query types inherent to the functionality disclosed by Gatto.

**With respect to claim 12, 24 and 36**, Gatto discloses a coin acceptor (Figure 2, Item 204) that may be coupled to the network platform (Col. 9. Lines 33-43.)

**Remarks**

No claim is allowed.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAD

*Ronald Laneau*  
RONALD LANEAU  
PRIMARY EXAMINER

6/8/07